

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2349 of 2021

Arising Out of PS. Case No.-577 Year-2019 Thana- SIKARPUR District- West Champaran

DURGESH KUMAR SONI Son of Sahdev Sah Resident of Village-Prakash
Nagar, Nawka Tola, P.S.-Shikarpur, District-West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No 7, Advocate

For the Opposite Party/s : Mr.Ramchandra Sahni, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-03-2021 Heard learned counsel for the petitioner and
learned APP for the State.

Learned counsel for the petitioner undertakes to
remove the defects within four weeks of resumption of
normal court proceeding. In the eventuality of non-removal
of defects within undertaken period, the office will place the
matter before the Bench.

The petitioner seeks bail in connection with
Shikarpur P.S. Case No.577 of 2019, registered for the
offence punishable under Sections 269, 304 of the Indian
Penal Code.

As per the prosecution case, the informant has
alleged that the petitioner treated the son of informant
namely Himanshu Kumar aged about 2 months for his
itching and gave expired injection to the child because of



which the condition of the child deteriorated after 15 minutes and died in the way to the health centre.

It is submitted by learned counsel for the petitioner that the petitioner has neither treated the son of the informant nor has given any expired injection which has been alleged in the FIR. He further submits that the informant asked the petitioner to take cell phone consultation from the doctors but at that point of time since the appointment of Doctors was not available and as such the petitioner could not provide medical assistance to the son of informant and asked her to take her son to the Primary Health Centre. He further submits that the petitioner has undergone training in Cell Phone Consultations at West Champaran under the standards and guidelines of WHP and has provided medical assistance to ill sick persons after taking consultation from the Higher Centre (Annexure-2 of the petition). Petitioner has no criminal antecedent and has been languishing in custody since 07.09.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail



bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Shikarpur P.S. Case No.577 of 2019, after framing of the Charge subject to the following conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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